

MICHAEL A. CARDOZO  
Corporation Counsel

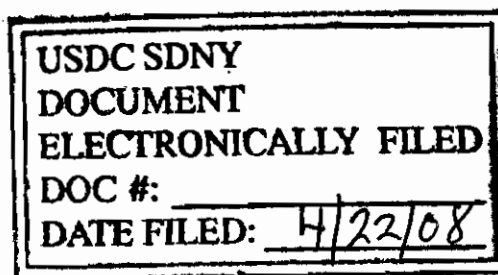
THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

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April 21, 2008

**BY FACSIMILE (212) 805-7925**

The Honorable Robert W. Sweet  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



Re: Cladette Frazier v. City of New York, et al., 08 Civ. 03335 (RWS)

Your Honor:

I am Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. I write with respect to the above-referenced matter in which plaintiff alleges that his constitutional rights were violated by defendants. Defendant City respectfully requests an extension of time to answer or otherwise respond to this complaint from May 1, 2008 until July 1, 2008. Plaintiff has not consented to this request for an extension of time.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal actions, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution authorizations for the release of sealed arrest and criminal prosecution records so that defendant can access the information, properly assess the case, and respond to this complaint. Additionally, plaintiff has not named any individual defendant police officers as defendants, the result of which will require us to investigate to determine which police officers were involved in the underlying incident so that we may respond to the complaint.

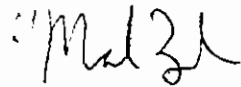
*So ordered  
Sweet  
USDC  
4.21.08*

Yesterday, I attempted to contact plaintiff's counsel, Michael Colihan, to discuss the instant application and obtain his consent. Despite my telephone message that he tell me his position by noon today, he has not called me. As he refused in the past two weeks to consent to similar requests for extensions of time to answer two other complaints in which we are both counsel, I do not expect that he will agree to this request either.

No previous request for an extension has been made by defendant City of New York. Accordingly, we respectfully request that defendant City of New York's time to answer or otherwise respond to the complaint be extended to July 1, 2008.

Thank you for your consideration herein.

Respectfully submitted,



Mark D. Zuckerman  
Senior Counsel

cc: Michael Colihan, Esq. (Via Facsimile)